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October 31, 2006

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Re: *Ex Parte* Notice in IB Docket Nos. 02-364, 05-220 and 05-221

Dear Ms. Dortch:

On October 31, 2006, William F. Adler, Vice President – Regulatory Affairs of Globalstar, Inc. (“Globalstar”) and William T. Lake, counsel to Globalstar, met with Sam Feder, Matthew Berry, Joel Kaufman, David Horowitz, and Daniel Harrold of the Commission’s Office of General Counsel. The purpose of the meeting was to discuss Globalstar’s position in the above-referenced proceedings. A copy of the materials distributed during the meeting is attached to this letter.

Pursuant to Sections 1.49(f) and 1.1206(b) of the Commission’s rules, a copy of this letter has been filed electronically.

Respectfully submitted,



Josh L. Roland
Counsel to Globalstar Inc.

cc: Sam Feder
Matthew Berry
Joel Kaufman
David Horowitz
Daniel Harrold



Tuesday, October 31, 2006

MEETING WITH SAM FEDER

SUBJECT: Further Spectrum Sharing with Iridium in L-band

Principles

- The FCC is legally obligated to render decisions based on the record before it that are not arbitrary, capricious or an abuse of discretion.
- Licensees are entitled to reasonably prompt decisions that are consistent with established precedent.
- Licensees cannot conduct and grow their businesses without a reasonably predictable regulatory environment.

Further L-band Sharing with Iridium

- Background
 - Original Big LEO Negotiated Rulemaking assignment: CDMA systems at 1610-1621.35 MHz, TDMA system at 1621.35-1626.5 MHz. Based on inability of CDMA and TDMA to share spectrum.
 - Globalstar satellites authorized to operate over 1610-1626.5 MHz; Iridium satellites authorized to operate over 1616-1626.5 MHz
 - After only Globalstar survived among CDMA licensees, Iridium asked FCC to authorize sharing in 1618.25-1621.35 MHz (3.1 MHz).
 - In March 2003, FCC granted Iridium STA to share those 3.1 MHz in connection with Iraq war.
 - In June 2004, FCC required permanent sharing of those 3.1 MHz. Although the FCC sought comment on whether further sharing of 1616-1618.25 MHz (an additional 2.25 MHz) should be required, it tentatively concluded that it would not "take spectrum from a competitor on a worldwide basis for what appears to be a sporadic and geographically-based need" and that, because "the spectrum within the L-band is not equally encumbered," implementing "spectrum parity" on a pure megahertz-per-party basis "would ignore the significant encumbrances" that apply to Globalstar's spectrum.
 - In July 2004, Globalstar petitioned for reconsideration, not challenging the basic decision but asking the Commission to move the sharing line to account for Globalstar's existing channel lineup. The Commission has not acted on the petition.

- Arguments
 - Globalstar's petition for reconsideration and the comments on potential further sharing have been pending for more than two years.
 - Nothing has changed since the Commission concluded in 2004 that Iridium had not justified any need for additional sharing. Iridium has not even attempted to make a technical showing of need that would justify a departure from that conclusion.
 - Globalstar has presented unrebutted evidence that Iridium is not using either its original allocation or the existing shared spectrum in the United States, and that additional sharing could significantly hinder Globalstar's ability to continue to serve its customers.
 - The uncertainty over the future of L-band spectrum is harmful to Globalstar's business.
 - If the Commission authorizes additional sharing, Iridium will have authority to share all of Globalstar's L-band spectrum that Iridium's satellites can use. Globalstar has argued that, in that event, Globalstar also should be authorized to share all of Iridium's L-band spectrum that its satellites can use. The two companies would then coordinate to avoid interference. It would be arbitrary for the Commission to grant Iridium's proposal without also granting Globalstar's -- especially since the bands were originally divided because Iridium argued that CDMA and TDMA systems cannot share.



Tuesday, October 31, 2006

MEETING WITH SAM FEDER

SUBJECT: Cancellation of Globalstar's 2 GHz MSS License

Principles

- The FCC is legally obligated to render decisions based on the record before it that are not arbitrary, capricious or an abuse of discretion.
- Licensees are entitled to reasonably prompt decisions that are consistent with established precedent.
- Licensees cannot conduct and grow their businesses without a reasonably predictable regulatory environment.

2 GHz License Cancellation

- Background
 - Authorization granted 7-17-01.
 - Authorization cancelled 1-30-03.
 - Application for review denied 6-24-04, with now-Chairman Martin expressing doubts about fairness of the Commission's decision.
 - Petition for reconsideration filed 7-26-04.
 - Supplement to petition for reconsideration with motion to file filed 8-26-05.
 - FCC decision reserving all 2 GHz spectrum for ICO and TMI on 12-9-05. Subject to outcome of Globalstar's petition for reconsideration.
 - Globalstar petition for reconsideration of 12-9-05 decision filed 1-9-06.
- Arguments
 - Summary revocation violated section 312.
 - Section 312 states grounds for revocation of licenses and prescribes procedure.
 - By contrast, Section 319(b) provides that construction permits are automatically forfeited if the permittee fails to build on schedule.
 - FCC eliminated construction permits for satellites (per section 319(d)), now incorporates construction milestones into license.
 - FCC unlawfully continued practice of summary revocation.

- Revocation was expressly based on factual issues that require hearing under section 312(c).
- Unfair to impose extreme sanction for violation of unclear requirements.
 - More severe sanctions require more explicit advanced warning.
 - Revocation was based on previously unclear requirements and was inconsistent with established precedent.
 - Noncontingent contract that embodied milestones requested in a waiver/extension petition was rejected without opportunity to cure (guaranteed by 312(e) and 5 USC 558(c)) when waiver was denied.
 - Bankruptcy was deemed a “business decision” not beyond Globalstar’s control.
 - Globalstar’s 2 GHz system was considered unitary, leading to revocation of license for GSO satellites on which original milestones would be met.
- Both legal and policy reasons support prompt and favorable decision on reconsideration request and reservation of one-third of 2 GHz MSS spectrum for Globalstar.
 - Further FCC inaction is extremely prejudicial, and may warrant a mandamus petition.